

**REMARKS**

Claims 1-6, 8, 16 and 18 remain pending in the above-identified application.

***Rejection Under 35 USC § 103(a)***

In the outstanding Office Action, claims 1-6, 8, 16 and 18 have been rejected under 35 USC § 103(a) as obvious over Atkinson et al '466.

In support of the rejection, the Examiner states at page 4 of the Action:

“It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the spray dried material of Atkinson, as in Example 11, to have a bulk density, particle size, dissolution rate, microporous capacity, capability of releasing a bubble, and a localized structure within those recited; and the base powders, as in Example 24 and 25, to have a bulk density and particle size as those recited because similar compositions, similar ingredients and the same spray-drying process have been utilized. In addition, the final product, which was a blend of the spray-dried carrier material and spray-dried base powder, has a bulk density of about 500 g/l, hence each of the spray dried carrier material and spray-dried powder, prior to blending should also have the same bulk density, particle size and properties as those recited.”

This rejection is respectfully traversed.

Atkinson is directed to powders prepared by slurry drying and suitable for use as detergent powders. The reference discloses the combination of adjuvant powders and detergent powders.

Atkinson discloses at column 22, lines 12-19 a detergent composition containing the adjunct of Example 30 and the base powder of Example 24 at a specific ratio. The adjunct of Example 30 corresponds to the detergent additive particles (a) of the present invention, and contains liquid non-ionic surfactant in the amount of 23% by weight which falls outside of the range recited in applicants' claimed invention (less than 6% by weight). For this reason, Atkinson fails to suggest the claimed invention.

More specifically, in Atkinson the adjunct is prepared which is obtained by spray-drying a slurry comprising sodium carbonate, sodium sulphate, a crystal growth modifier which is an organic material having at least three carboxyl groups in the molecule and which carries liquid non-ionic surfactant in a large amount which is difficult to add by spray-drying.

By contrast, the present invention has the feature that no surfactant or a very small content of surfactant is present in the detergent additive particles (a). By mixing the detergent additive particles (a) and detergent particles (b) containing a larger amount of surfactant, the present invention can exhibit the result that a paste layer comprising a surfactant formed by the detergent particles upon pouring water into the dispenser becomes discontinuous so that distributivity from the dispenser is improved (see page 22, lines 4-16 of the specification).

The superior effects of the present invention are amply demonstrated by applicants' Examples and Comparative Examples. Comparative Particles 1 and 2 at Table 1 correspond to the adjunct of Atkinson which contains liquid non-ionic surfactant in the amount of 23% by weight which falls well outside of the claimed range of less than 6% by weight. Comparative Particles 1 and 2 contain 15% by weight of LAS-Na which are also well outside of the claimed range.

Further, the results of the table entitled "Detergent Additive Particles or Comparative Particles/Detergent Particles = 30/70 (weight ratio)" at Table 3 (pages 63-64 of the specification) demonstrate the effect upon the "Remaining Ratio" value which is an index for evaluating distributivity from the dispenser based on the amount of surfactant present. The table confirms that the "Remaining Ratio" of the Comparative Examples containing Comparative Particles 1 and 2 corresponding to Atkinson (page 64 of specification) are very undesirable in comparison with the Remaining Ratio of the Examples directed to Additives Particles at the bottom of page 63.

The Examiner refuses to give the above-discussed comparative data patentable weight, stating at page 6 of the Action:

"Applicants also argue that the results of the table entitled 'Detergent Additive Particles or Comparative Particles/Detergent Particles = 30/70 (weight ratio)' at Table 3 (pages 63-64 of the specification) demonstrate the effect upon the 'Remaining Ratio' value which is an index for evaluating distributivity from the dispenser based on the amount of surfactant present, and the table confirms that the 'Remaining Ratio' of the Comparative Examples containing Comparative Particles 1 and 2 corresponding to Atkinson (page 64 of specification) are very undesirable in comparison with the Remaining Ratio of the Examples directed to Additive Particles at the bottom of page 63. Applicants also argue that the above-discussed comparative data is believed to overcome any prima facie case of obviousness believed presented by the Examiner, as applicants have clearly demonstrated that the presence of amounts of surfactant in the amount taught by the reference fails to enable the desired results to be achieved.

The Examiner respectfully disagrees with the above arguments because the showing at Table 3 on pages 63-64 of the specification is not commensurate in scope with the present claims because the present claims do not require a 'Remaining Ratio' value."

Applicants disagree with the position of the Examiner that the claims must recite a "Remaining Ratio" value, as this is a result-based value which is related to the ratio of the detergent additive and the detergent particles. The data does demonstrate some degree of criticality for this ratio, with the "Remaining Ratio" being reduced when the weight ratio of detergent additive and detergent particles falls within the claimed range. However, to the extent that the Examiner requires the claims to recite a desired "Remaining Ratio" value corresponding to those of the Examples, applicants disagree.

With regard to the exemplified ratios of detergent additive/detergent particles, detergent additive/detergent weight ratios of 0/100, 5/95, 10/90 and 30/70 are exemplified. The claims recite a ratio of detergent additive/detergent of 15/85-40/60. As such, the exemplified ratio of 30/70 falls within the claimed invention, while the other exemplified ratios do not. Advantageous results with

respect to obtaining a low "Remaining Ratio" are achieved by use of the ratio of 30/70, as opposed to the other exemplified weight ratios which fall outside of the scope of the claimed limitation.

Further, the Examiner asserts that the limitation "less than 6% by weight" does not patentably distinguish over the prior art. However, the above-discussed comparative data is believed to overcome any *prima facie* case of obviousness believed presented by the Examiner, as applicants have clearly demonstrated that the presence of amounts of surfactant in the amount taught by the reference fails to enable the desired results to be achieved.

In view of the above, the rejection is without basis and should be withdrawn.

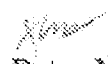
The application is now believed to be in condition for allowance, and an early indication of same earnestly is solicited.

Based on the remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance indicating that each of the pending claims 1-6, 8, 16 and 18 are allowed and patentable under the provisions of title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

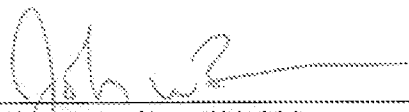
Applicants submit herewith a check in the amount of \$1020.00 as payment for the requested three month extension of time.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

  
Date: November 2, 2006

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
John W. Bailey, #32,881

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000